STRANGE NEWS FROM Hicks's-Hall. OR, AN ORDER OF SOME OF THE Juſtices of the Peace

For the County of *Middleſex*, in the laſt Quarter-Seſſions, for the Bailiffs of Liberties to Return JURIES.

With ſome OBSERVATIONS upon the ſame, in Vindication of the SHERIFF's POWER.

Midd. ſſ. *Ad General. Quarterial. Seſſionem Pacis Domini Regis tent. pro Com.* Midd. *apud* Hicks's-Hall *in* St. John's-ſtreet, *in Com. prædicto, die Lunæ, ſcil. Quarto die Julii, Anno Regni Regis* Caroli *Secundi nunc* Angliæ, *&c. Triceſimo tertio.*

WHereas in this County of *Middleſex* there are divers Liberties the Lords and Owners whereof have Bailiffs of their own, who ought to ſerve all Proceſs within their reſpective Liberties, and to ſummon thoſe Perſons who are to ſerve upon Juries: And whereas Complaint hath been made unto this Court, That the

Sheriff of *Middleſex* hath of late very unjuſtly entred the ſaid Liberties, and by Bailiffs of his own chuſing hath executed Proceſs, and returned Perſons to ſerve upon Juries, to the manifeſt diſinheriting of the ſaid Lords and other Owners of the ſaid Liberties, of their Rights and Privileges, and to the obſtruction and abuſe of Juſtice; ſuch Perſons being returned for Jury men who are no ways fit to ſerve. For the prevention whereof for the time to come, this Court hath thought fit, and do therefore order, That the Sheriff ſhall direct all Precepts and Proceſs which are to be executed in Liberties, to the Bailiffs of their reſpective Liberties, and not to any Bailiff of his own chuſing, of the Hundred or otherwiſe; and that the Bailiffs of the reſpective Liberties do from time to time ſummon fit and able Perſons, and ſuch as are conformable to the Laws, and receive the Sacraments as by Law required, to ſerve upon the ſaid Juries; (It not being to be expected, that thoſe Perſons who will not keep the Laws themſelves, ſhould execute them as they ought:) And that the Perſons being returned by the ſaid Bailiffs to the Sheriff, or ſo many of them as are neceſſary, be by the Sheriff put into the Pannel of Juries. And to the intent this Order may be duly obſerved, the Bailiffs of Liberties are hereby required to bring or ſend a Note of the Names of thoſe Perſons who they ſummon to ſerve upon the Grand Jury at every Seſſions, to be delivered to the Clerk of the Peace the Morning before the Seſſions begins, that the Pannel may be examined. And whereas a Statute was made in the Third Year of King *Henry* the Eighth, by which Statute the Pannels returned by the Sheriff may be reformed by the Juſtices; which Statute this Court hath thought fit, for the better Information of all His Majeſties good Subjects, to ſet forth, *in hæc verba*.

"WHereas great Extortions and Oppreſſions be and have
"been within the more party of all the Counties and
"Shires within this Realm of *England*, by the ſubtilty and un-
"true demeanour of Sheriffs, and their Miniſters, committed and
"done unto many Perſons in great number of the King's Subjects,
"by mean and making and returning at every Seſſions holden
"within the ſaid Counties and Shires, for the Body of the Shire,
"in taking and putting in, and returning of Names of ſuch Per-
"ſons, as for the ſingular advantage, benefit, and gain of the ſaid
"Sheriffs, and their Miniſters, will be wilfully forſworn and per-
"jured, and by the ſiniſter Labour of the ſaid Sheriffs and their
"Miniſters; by reaſon whereof, many and divers ſubſtantial Per-
"ſons (the King's true Subjects) contrary to good Equity and
"Rightwiſeneſs, have divers times and many wrongfully been
"indicted of divers Murders, Felonies, and other Misbehaviour,
"by their covin and falſhood, to the utter undoing of their Lives,
"loſs of their Goods and Lands; by reaſon whereof, they and
"every of them in avoiding the untruth trouble and vexation

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"which to them might come and enſue, by reaſon and occaſion "of the ſame falſe Indictments, and alſo ſometimes by labour of "the ſaid Sheriffs, divers great Felonies and Murders concealed, "and by the ſaid Perſons alſo by the ſaid Sheriffs and their Mini- "ſters partially returned, not preſented, be and have been com- "pelled to make Fines and give Rewards to the ſaid Sheriffs and "their Miniſters. Wherefore be it Enacted, Ordained, and Eſta- "bliſhed by the King our Sovereign Lord, and by the aſſent of the "Lords Spiritual and Temporal, and the Commons in this preſent "Parliament aſſembled, and by the Authority of the ſame, That "all Pannels to be returned which be not at the Suit of any Party; "that ſhall be made and put in by every Sheriff, and their Mini- "ſter, afore any Juſtices of Gaol-delivery, or Juſtice of Peace, "whereof one to be of the *Quorum*, in their open Seſſions to en- "quire for the King, ſhall be reformed, by putting to, and taking "out of the Names of the Perſons which ſo be empannelled by "every Sheriff and their Miniſters, by diſcretion of the ſame "Juſtices before whom ſuch Pannels ſhall be returned: And that "the ſame Juſtice or Juſtices ſhall command every Sheriff, and "their Miniſters in his abſence, to put other Perſons in the ſame "Pannels by their diſcretions; And that the ſame Pannels ſo re- "formed by the ſaid Juſtices, be good and lawful: And that if "any Sheriff, or any their Miniſters, at any time, do not return "the ſame Pannel ſo reformed, that then every ſuch Sheriff or "Miniſter ſo offending, for every ſuch Offence ſhall forfeit Twen- "ty Pounds *Sterling* Money of *England*, the one half thereof to "our Sovereign Lord the King, or his Heirs; and the other half "to him or them of his Subjects that will ſue for the ſame, by "Action of Debt at the Common Law, or Bill, or Complaint, "where it ſhall fortune any ſuch to fall or be; and that none "Eſſoign ne Protection be allowed for the Defendant or Defen- "dants in that Action or Plaint, nor that the ſaid Defendant or "Defendants therein be admitted to wage their Law: And that "the King's Pardon ſhall be no Bar againſt the Party and Parties "in the ſame, that any ſuch Action ſhall ſue.

It is therefore Ordered by this Court, That the ſaid Statute ſhall every Seſſions in this County be duly executed. And it is further Ordered, That the Petition now read be forthwith preſented to His Majeſty by the Chair-man Sir *Humphrey Nicholſon*, Sir *John Parſons*, Sir *Richard Deerham*, Colonel *Downton*, Mr. *Balch*, Mr. *Hamond*, Mr. *Reynell*, Mr. *Haryot*, Mr. *Hawley*, and Mr. *Pery*, to attend His Majeſty, together with the Clerk of the Peace.

Per Cur.

Ex. per Will. Adderley *Cler. Pacis Com.* Midd. *præd.*

O B.

OBSERVATIONS
ON THE
Foregoing Order.

THe firſt Paragraph contains bold and ignorant Aſſertions, *viz. That the Bailiffs of the Liberties ought to ſerve all Proceſs within their reſpective Liberties, and to ſummon thoſe Perſons who are to ſerve upon Juries.*

Now ſuppoſe theſe Liberties had been erected by Act of Parliament, and ſo by no pretence could be ſhaken; yet their Worſhips in that Caſe would appear to have ſtrangely miſtaken themſelves, when they made this Order; for every one knows, that in many Caſes the Bailiffs of Liberties have not power to execute Writs, although the Sheriff ſhould direct his Precept to them for that purpoſe. For ſome things are ſo inherent to the Office of Sheriff, that it cannot by any means be Delegated to another; as in Rediſſeiſin, making Partition, and the like. In ſome Caſes he muſt be diſobedient to his Majeſties Writs, ſhould he direct Warrants to the Bailiff of any Liberty; as where he is commanded not to omit for any Liberty, but that he enter the ſame, and execute ſuch a Writ: which is the Form that till now hath been always uſed where the King is concerned. And if the Sheriff ſhould take upon him to make ſuch a Warrant, whether the Bailiff hath executed it or not, the Sheriff cannot make a good Return to the ſame; for, *Mandavi Ballivo qui nullum mihi dedit reſponſum* hath been hitherto held to be no good Return to any ſuch Writ. And as to Summoning of Juries, I believe they cannot ſhew one Precedent where the Bailiffs of Liberties ever Returned one Jury-man to ſerve in the Juries for the County. And therefore their Worſhips had betray'd their Ignorance leſs, and their Inclinations more, if they had ſaid, That for the ſerving ſome pretty Turns, they had a mind that Bailiffs of Liberties ſhould for the future ſummon Jury-men; than in ſaying, They ought to ſummon them.

The next Paragraph ſays, *That a Complaint had been made to that Court, that the Sheriff of* Middleſex *had of late very unjuſtly entred the ſaid Liberties, and by Bailiffs of his own chuſing hath executed Proceſs, and returned Perſons to ſerve upon Juries, to the manifeſt diſinheriting of the Lords and other Owners of the ſaid Liberties of their Rights and Privileges, and to the obſtruction and abuſe of Juſtice.*

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Can any Man believe that the Juſtices in the Quarter Seſſions, who either underſtood or had a mind to preſerve the Laws of *England*, ſhould take upon them to receive Complaints of this nature, or pretend to redreſs them; the Matter being ſo wholly out of the Cognizance of this Court? They may as well undertake to hear Complaints for Debts, Aſſize of *Novel Diſſeiſin*, and other Controverſies of *Meum* and *Tuum*, or other Matters of a Civil Nature, with which Juſtices of Peace cannot Legally meddle, unleſs in ſome particular Caſes ſpecially provided for by Act of Parliament. But 'tis no wonder that the willing Bench were ready to receive any Complaint againſt the Sheriff, to give colour to what they have long deſign'd, which I forbear to mention, but leave every intelligent Reader to judge, upon reading this very Order. That the Summoning Juries by the Sheriff's Bailiffs, ſhould be pretended to be to the obſtruction and abuſe of Juſtice, is very wonderful; it being plain to all indifferent Men, that *Middleſex* was never ſerved with abler or honeſter Juries, than ſince the preſent Sheriffs entred into that Office. Indeed they ſeldom agreed, in matters of State, either with Abhorrers of Parliaments, or Addreſſers giving Thanks for the Diſſolution of the Two laſt Parliaments; they never underſtood the Politicks ſo well, to believe this Government was better'd by ſuch Diſſolutions: nor could they believe, that the laſt Parliament had a Deſign to ſeize His Majeſty at *Oxford*, which was never thought on, certainly, till very lately; otherwiſe that alone (if it had been true) might have been, with great Advantage, offered as a Reaſon in His Majeſties Declaration, and had been of greater weight for the Diſſolution of the laſt Parliament, than all the Reaſons in that Declaration mentioned. For theſe, and other ſuch like Reaſons, the Juries have obſtructed and abuſed Juſtice.

Next follows the Courts Opinion of theſe Juries, (*viz.*) *Such Perſons being returned for Jury-men, who are no ways fit to ſerve.*

Hereby they take the liberty to ſlander many better Men than any one preſent at the making of this Order: Nay, they have thereby declared ſome of themſelves no ways fit to ſerve upon Juries, (as, in truth, every Body will now believe they are not) ſeeing they were ſummoned, and ſerved too, in Grand-Juries, for this County, ſince *Michaelmas* laſt. Now if they declare themſelves unfit to be Jury-men, I hope his Majeſty will think them as unfit for Juſtices.

After this follows the Cure: And a peremptory Order is made, without hearing what the Sheriff could ſay for himſelf, or for the Rights of the City of *London*: Like *Halifax*-Law, *Hang firſt, and try afterward*. A new way of Proceeding, and determining of Rights between Subject and Subject, in a Court that cannot legally proceed in any Cauſe of this Nature: Nay, if this Court had as large a Juriſdiction as their Worſhips could deſire, yet in this they would have

much exceeded all the Rules and Bounds which the Higheſt Courts always have governed themſelves by: I am ſure, in this Caſe no Court in *England* could *de jure* make ſuch an Order, (the Legiſlative Power onely excepted.) And if any Court had undertaken it, it muſt have been void, and againſt the Law. For, the Law is not to be controlled by the Order or Decree of any Court: All Proceedings ought to go in their ancient Regular way; not in this new-fathion'd *French* Popiſh Dreſs. Indeed this Order looks much like an Act of Parliament: And how they deſerve to be rewarded, that aſſume to themſelves a Legiſlative Power, contrary to Law, I doubt not but will in the next Parliament be taken into Conſideration.

If this be allowed to be an Order good in Law, there will be need of no other Court in the Nation; they having been ſo ingenious, to find out ſuch a fine ſhort way to determine all our Rights, which we nor our dull Anceſtors ever thought on. That this Order is not practicable, will appear by what is ſaid upon the Firſt Paragraph.

The next Part contains Directions to the Bailiffs of the Liberties; which is as wiſe as the reſt. If none but ſuch as obſerve the Laws were to be Jury-men, I doubt the Bailiffs would have a hard Task to find out Men enough in the whole County to make one Jury. Now theſe Worthy Juſtices would make that a Diſability to ſerve upon Juries, which is none according to the Law. You ſhall never hear them complain, that the Sheriff hath returned Adulterers, Whoremongers, Swearers, Drunkards, or Cheats, to be upon a Jury; for *ſimilis ſimili gaudet*: yet theſe are much more a Scandal to the Civil Government, than ſuch that do not receive the Sacrament kneeling, uſe the Croſs in Baptiſm, or the like Eſſential Parts of Religion, and yet live as ſober and as conſciencious in all their ways, as any that do adore thoſe Ceremonies.

And as to their Complaint, That the Execution of the Laws cannot be by ſuch as do not obſerve them: I do challenge them to give One Inſtance, that any Treaſons, Murders, Felonies, Debaucheries, or other Immoralities, have not been duly preſented, upon probable and credible Evidence. Indeed there are ſome things not to be believed, if Five hundred Witneſſes ſhould ſwear it: as, That a luſty Old Woman transform'd her ſelf into a Cat, and afterwards to a Fly; crept through the Crevice of a Door, or the Key-hole; went to the *Eaſt-Indies*, and returned, in one Night: That Thirty thouſand Men, well Armed, were carried by the *Presbyterians* to *Oxford* in a Nut-ſhell; and that there they remained a whole Week inviſible; That they were upon the Diſſolution of the Parliament carried back by the ſame way they came; and that theſe Thirty thouſand Men have ſince, the Nut-ſhell being a little too narrow for them, crept into *Colledge's* Belly, from whence (as of old from the *Trojan* Horſe) they would have before now ſet out Armed, to the Deſtruction of

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the King and Government, had not ſome that ſaw them go in, timely diſcovered the ſame, and ſwore it, and by ſecuring *Colledge*, with theſe in his Belly, ſaved the Nation. Juries that would Indict a Man upon ſuch Evidence, would be White-boys.

But now ſuppoſe the Sheriffs ſhould be forced to comply with this Order, though I believe they never will; What Advantage it can be to our Heroes Deſigns, is to be conſidered, that the World may ſee, that all their Contrivances hitherto will fall much ſhort of their Aims. If the Sheriff ſhould iſſue out his Precepts to the Bailiffs of Liberties, he muſt alſo inſert the Names of ſuch as he would have ſummoned; for there muſt not be as many Juries ſummoned, as there are Bailiffs of Liberties. If the Sheriff muſt ſtill nominate them, what can this advantage the Contrivers? The Bailiffs of Liberties indeed would have a fine time, to ſpend their time in doing the Sheriff's Drudgery. But I hear that the City of *London* claiming by Charter of *H.* 1. the whole County of *Middleſex* in Fee-farm, at 300 *l. per Annum*, which hath been ſince conſtantly paid, do look upon all Liberties ſince granted or erected, as to what concerns the Sheriffwick, to be meer Uſurpations; and therefore (as I am well aſſured) the Sheriff will not iſſue out ſuch Warrants, to the diſinheriting of the City of what hath been ſo often confirmed to them, not only by divers Charters, but by ſeveral Acts of Parliament.

That which next follows, is, the Recital of an Act of Parliament made to prevent the innocent from being wrongfully Indicted or Proſecuted, and the concealment of the Crimes of the Guilty; which will plainly appear upon reading thereof. Now whether the Deſigns of theſe Juſtices be correſpondent to the Deſigns of that Act, or rather be not quite contrary to it, *I* leave all the World, eſpecially ſuch as know them, to judge.

In the laſt place, it is Ordered, *That a Petition, then read, ſhould be forthwith preſented to His Majeſty, by the ſeveral Perſons therein named.* What Petition this was, *I* cannot juſtly ſay; but *I* gueſs it to be a Petition from the Juſtices to His Majeſty, beſeeching him to make Sir *William Smith* Sheriff of *Middleſex*; not conſidering, that thereby they Petitioned His Majeſty to violate ſeveral Acts of Parliament, His own and ſeveral of His Noble Progenitors Charters: Which ſhews the Wiſdom, as well as Juſtice, of our Learned Bench.

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